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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,622	05/02/2001	Manfred Horstmann	2000.064200	5606

23720                      7590                      04/10/2003

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EXAMINER

FENTY, JESSE A

ART UNIT                      PAPER NUMBER

2815

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 27-31, 33 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Igarashi et al. (U.S. Patent No. 6,037,630).

In re claim 27, Igarashi (Figs. 9, 10) discloses

A substrate (1);

A gate insulation layer (5) formed above said substrate;

A gate electrode (7a, 9b) formed above said gate insulation layer, said gate electrode having an upper portion comprised of polysilicon and a lower portion, said upper portion having a plurality of extensions (of 9b) formed thereon, said extensions of said upper portion extending laterally beyond said lower portion of said gate electrode by an amount that decreases from top to bottom of the upper portion.

In re claim 28, Igarashi discloses the device of claim 27, further comprising an insulating material (7b) positioned adjacent said lower portion of said gate electrode and under said extensions formed on said upper portion.

In re claim 29, Igarashi discloses the device of claim 27, wherein said substrate (1) is comprised of silicon.

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In re claim 30, Igarashi discloses the device of claim 27, wherein said gate insulation layer (5) is comprised of silicon dioxide.

In re claim 31, Igarashi discloses the device of claim 27, wherein said lower portion of said gate electrode (7a) is comprised of polysilicon.

In re claim 33, Igarashi discloses the device of claim 27, wherein said extensions (of 9b) are comprised of polysilicon.

In re claim 34, Igarashi discloses the device of claim 27, wherein said upper portion of said gate electrode and said extensions have a combined lateral dimension that is approximately 5-100 percent greater than a lateral dimension of said lower portion of said gate electrode.

### *Response to Arguments*

3. Applicant's arguments with respect to claims 27-31, 33 and 34 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse A. Fenty whose telephone number is 703-308-8137. The examiner can normally be reached on 5/4-9 1st Fri. Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lee can be reached on 703-308-1690. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-746-3892 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Jesse A. Fenty  
Examiner  
Art Unit 2815

JAF  
April 4, 2003

  
**EDDIE LEE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**